

Subject: One (1) BID-related item in Council, Tuesday, March 29, 2016

From: Rick Scott

Date: 03/25/2016 08:18 AM

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See Recommendation #14 below:

ITEM NO. (12)

[14-0163-S3](#)

PUBLIC WORKS AND GANG REDUCTION and BUDGET AND FINANCE COMMITTEES' REPORT relative to development of a Citywide Sidewalk Repair Program.

Recommendations for Council action:

1. INSTRUCT the City Administrative Officer (CAO), with assistance from the Bureau of Engineering (BOE), regarding sidewalk repair cost sharing, financial assistance and incentives to develop and report on options for implementing a per square foot cost sharing rebate program, with a maximum total cap per parcel, for sidewalk repair performed by property owners during the first three years of the Sidewalk Repair Program with the intent to accelerate privately funded repairs; rebates to be a fixed amount of approximately 50 percent of average cost/square foot.
2. INSTRUCT the CAO, with assistance from the BOE and City Attorney, to report on the feasibility of instituting a sliding scale of cost sharing for commercial property owners (for example, 75 percent) applicable to non-profit and community service organizations that own the property in question and can display a certain level of hardship.
3. INSTRUCT the CAO, in consultation with the City Attorney, to report on the feasibility of retroactive reimbursement eligibility for property owners who have already made repairs to their property or sidewalks in recent years.
4. INSTRUCT the BOE to establish a pre-qualified contractors list for sidewalk repairs for use by the City or the public; with said list to include local, small, minority, and women-owned businesses; and provide Council with a status report within 60 days.
5. INSTRUCT the Bureau of Street Services (BSS), with assistance from City departments that perform construction inspections, to report on options and required resources for implementing a Sidewalk Inspection Program that complements the Sidewalk Repair Program, including a Sidewalk Certification Program; and include in the report an inventory of completed sidewalks.
6. INSTRUCT the BOE to consider enlisting Neighborhood Councils and homeowners associations to assist with an inventory of problem sidewalks needing repairs.
7. REQUEST the City Attorney, with assistance from the CAO and Board of Public Works, to prepare and present an ordinance effectuating a Sidewalk Repair Program that is consistent with the approved *Willits, et al. v. City of Los Angeles* Settlement (Willits) Term Sheet (Council file [C.F.] No. 11-0573).
8. INSTRUCT the BOE, with assistance from the CAO, to report back on options for determining the size of a per parcel cap on the City's cost obligations for sidewalk repairs on different parcel types.
9. DESIGNATE the City Engineer as the program manager for the City's Sidewalk Repair Program; and, INSTRUCT the City Engineer to deliver the program in a cost effective manner, under the oversight of the Board of Public Works.
10. INSTRUCT the BOE, with assistance from the Department on Disability (DOD) and Personnel Department, to report on options and required resources for an Americans with Disabilities Act (ADA) Coordinator for Pedestrian Rights-of-Way as described in the approved Willits Term Sheet (C.F. No. 11-0573).
11. INSTRUCT the BOE to implement the Sidewalk Repair Program utilizing resources in a manner consistent with the approved Willits Term Sheet (C.F. No. 11-0573), which includes Access Requests and Priority List repairs and other federal requirements.
12. INSTRUCT the BOE to report on the estimated costs attached to each element of the Sidewalk Repair Program, including, but not limited to, a cost sharing rebate program, Sidewalk Inspection Program, mapping program, and warranty; as well as the potential costs associated with reducing or eliminating that element.
13. REQUEST the City Attorney to prepare and present ordinances that amend all relevant sections of the Los Angeles Municipal Code (LAMC) regarding sidewalk repairs to phase-in the transfer of sidewalk repair responsibility back to property owners as follows:
 - a. Initiate a fix-and-release program for sidewalks adjacent to all properties, with the exception of property owned by other public agencies and with a per square foot and per parcel cap on repair work paid for by the City.
 - b. Provide a 20-year guarantee or warranty, prior to returning the responsibility for future repairs back to residential property owners.
 - c. Provide a five-year warranty for certified commercial and industrial properties.
 - d. Extend the above warranty to inspected sidewalks certified as ADA-compliant.
14. **INSTRUCT the BSS, with the assistance of the City Attorney, to report on the ability of third party organizations (for example: homeowners associations, business improvement districts, etc.) to ensure and guarantee sidewalk repairs, instead of property owners, including extended warranties in cases where the City is unable to offer a 20-year guarantee due to the requested preservation of a problem tree.**
15. INSTRUCT the BOE to develop a prioritization and scoring system that assigns a numerical score to each sidewalk segment, based on the following:
 - a. The Priority List criteria, as indicated in the Willits Term Sheet.

- b. Severity of damage.
 - c. Cost effectiveness and contiguity of a damaged section.
 - d. Liability concerns and consistency with the priorities of the Vision Zero Plan, with special emphasis on the High Injury Network.
 - e. A mobility disability nexus by nearby residents or other users of the sidewalk.
 - f. The propensity of complaints about the segment in question.
 - g. Volume of pedestrian traffic.
16. INSTRUCT the BOE, with the assistance of the Information Technology Agency (ITA), to report on options and required resources for a system to track constituent calls categorized as Access Requests for sidewalk and curb ramp repair/construction, including the development and implementation of a Geographic Information System mapping to graphically display such requests; and, also REFER the BOE's report to the Innovation, Grants, Technology, Commerce and Trade Committee.
 17. INSTRUCT the BOE and the CAO, with the assistance of the ITA to report back with the framework and resource needs to develop and implement a Sidewalk and Curb Ramp Asset Management System to assist with the management and reporting requirements of the Sidewalk Repair Program and Sidewalk Inspection Program; and, also REFER the BOE's report to the Innovation, Grants, Technology, Commerce and Trade Committee.
 18. INSTRUCT the BOE and DOD to work with Council offices on the delivery of Access Requests sidewalk and curb ramp repairs/construction with approximately equal amounts allocated amongst Council offices; and, INSTRUCT the CAO to periodically report on the reprogramming of any unobligated funds to areas with outstanding need.
 19. INSTRUCT the City Engineer to utilize both public and private labor forces working side-by-side in effectuating repairs as follows:
 - a. Employ City forces to make (i) Access Requests-based repairs, (ii) repairs found to be a particular liability concern, and (iii) repairs to sidewalks under the City's warranty.
 - b. Employ private contractors to perform the remainder of sidewalk repairs by dividing the City into regions and putting each out to bid as directed by the City Engineer.
 20. AUTHORIZE the BOE to initiate a project-level Environmental Impact Report (EIR) for implementation of the Sidewalk Repair Program; and, INSTRUCT the BOE, with assistance from the City Attorney, to report back on the required resources and timeline for the EIR.
 21. INSTRUCT the BSS, with assistance from the CAO and CLA to report with recommendations on:
 - a. Best practices for the maintenance of the urban forest, including tree retention standards, tree removal criteria, tree replacement standards, tree planting site selection, tree well size, tree establishment standards, and the incorporation of green infrastructure standards; while taking into consideration the proposed recommendations contained in Motion (O'Farrell - Ryu) and the City Attorney Report (C.F. No. 15-0467-S4), currently pending in Public Works and Gang Reduction Committee, relative to the fine structure for the illegal trimming of trees.
 - b. Simplifying and streamlining the City tree removal and replacement policies and procedures so that they do not hinder the progress of sidewalk accessibility repairs.
 - c. Ensuring that any trees removed are replaced and that the health and size of the City urban forest is protected.
 - d. Ensuring that alternatives are considered prior to removing a tree and replacements are consistent with the City goals of protecting infrastructure (e.g. sidewalks, curbs, streets), minimizing operations and maintenance costs (e.g. location near street lights and traffic signs), and minimizing use of water for landscaping.
 - e. Policies and procedures addressing the potential use of alternatives to tree removals such as meandering sidewalks, bump outs, grade separations, tree relocations, alternative sidewalk surfaces, and root pruning.
 - f. Consultation with Tree People, the Community Forest Advisory Committee, and similar organizations, relative to best practices and preservation of the urban forest.
 22. INSTRUCT the BOE, with the CAO, regarding: design, construction standards and alternative materials for sidewalk repairs and construction, to report on cost sharing proposals that would facilitate the use of alternative materials.
 23. INSTRUCT the BOE, with the Department of General Services, to report every three years with alternatives to Portland cement.
 24. INSTRUCT the City Engineer to work with the Bureau of Sanitation (BOS) relative to utilization of City sidewalk infrastructure as a method of facilitating stormwater recapture.
 25. INSTRUCT the BOE to issue a formal Request for Information and develop a list of non-standard sustainable sidewalk designs, materials, and manufacturers.
 26. INSTRUCT the BOE, in coordination with the development of a list of non-standard sustainable sidewalk designs, materials, and manufacturers, to begin to establish a list of pre-qualified contractors for sidewalk repairs for use by the City or the public.
 27. INSTRUCT the BOE to develop categories (for example: residential, commercial, high-pedestrian traffic, low-pedestrian traffic, adjacent to government facilities, etc.) and an inventory of locations suitable to the use of alternative materials.
 28. INSTRUCT the BOE and BSS to develop and implement a program to use alternative sidewalk materials at, and adjacent to, City facilities, including to determine their purchase, installation, and lifecycle costs; issues regarding application and maintenance, and durability.
 29. INSTRUCT the BOE, in consultation with the BOS, to report on establishing low-cost and ADA-compliant green infrastructure standard plans available to the public for implementation of sidewalk repairs and to implement these as part of sidewalk repair when it is deemed cost effective and beneficial to the City's stormwater capture goals.
 30. INSTRUCT the CAO to report on potential funding sources for green infrastructure components of sidewalk repairs and construction,

and recommendations on developing additional funding sources for green infrastructure that are supplemental to the funds dedicated every year to the Willits Settlement funding commitment.

31. INSTRUCT the appropriate Public Works Bureau to consider diamond blade cutting as an option for addressing the City's substantial sidewalk repair needs, when appropriate.
32. INSTRUCT the CAO to report with financing and delivery options for the Sidewalk Repair Program that will accelerate the overall work plan to the shortest timeframe possible; options for achieving this may include a Public Private Partnership.
33. INSTRUCT the Bureau of Contract Administration to report with recommendations relative to leveraging the Sidewalk Repair Program for workforce development and job training programs through the inclusion of small, women and minority-owned businesses, as well as the hiring of at-risk, former gang members, and other transitional residents from underserved communities.
34. REQUEST the City Attorney to prepare and present an ordinance to repeal the street tree root exception codified in LAMC Section 62.104, which will allow the City to fairly cite and enforce against sidewalk damage under the 1911 Improvement Act, which governs sidewalks under State law, as part of the request to have the City Attorney prepare and present ordinances that amend all relevant sections of the LAMC regarding sidewalk repairs to phase-in the transfer of sidewalk repair responsibility back to property owners.
35. INSTRUCT the BSS to report on the proper or optimal root pruning cycle for the average City street tree, and work with the BOE and the CAO to develop a proactive root pruning plan.

Fiscal Impact Statement: Neither the CAO nor the CLA has completed a financial analysis of this report.

Community Impact Statement: Yes.

Eagle Rock Neighborhood Council
Mid City Neighborhood Council
Greater Wilshire Neighborhood Council
Midtown North Hollywood Neighborhood Council
Atwater Village Neighborhood Council
Central Hollywood Neighborhood Council
Lake Balboa Neighborhood Council
Hollywood United Neighborhood Council

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